

**SOAH DOCKET NO. 582-07-2673
TCEQ DOCKET NO. 2007-0204-WDW**

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| APPLICATION OF TEXCOM GULF | § | BEFORE THE STATE OFFICE |
| DISPOSAL, L.L.C. FOR TEXAS | § | |
| COMMISSION ON ENVIRONMENTAL | § | OF |
| QUALITY UNDERGROUND INJECTION | § | |
| CONTROL PERMIT NOS. WDW410, | § | |
| WDW411, WDW412, and WDW413 | § | ADMINISTRATIVE HEARINGS |

**SOAH DOCKET NO. 582-07-2674
TCEQ DOCKET NO. 2007-0362-IHW**

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| APPLICATION OF TEXCOM GULF | § | BEFORE THE STATE OFFICE |
| DISPOSAL, L.L.C. FOR TEXAS | § | |
| COMMISSION ON ENVIRONMENTAL | § | OF |
| QUALITY INDUSTRIAL SOLID WASTE | § | |
| PERMIT NO. 87758 | § | ADMINISTRATIVE HEARINGS |

PRE-FILED TESTIMONY OF

MELVIN SOLOMON

ON BEHALF OF ALIGNED PROTESTANTS

MONTGOMERY COUNTY AND CITY OF CONROE

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1 **I. BACKGROUND**

2 Q. PLEASE STATE YOUR NAME.

3 A. Melvin Paul Solomon.

4 Q. HOW ARE YOU PRESENTLY EMPLOYED?

5 A. I am the assistant plant superintendent/pretreatment coordinator for the City of
6 Conroe's Wastewater Treatment Facility.

7 Q. WERE YOU PREVIOUSLY THE SUPERINTENDENT OF THE WATER
8 TREATMENT FACILITY?

9 A. Yes, sir, since 1993.

10 Q. HOW MANY YEARS DID YOU SERVE AS THE SUPERINTENDENT?

11 A. A little over 15 years as the superintendent.

12 Q. IS THERE A PARTICULAR REASON WHY YOU ARE THE ASSISTANT
13 SUPERINTENDENT NOW RATHER THAN THE SUPERINTENDENT?

14 A. I am getting close to retirement there for the City; and in order to facilitate a
15 smooth transition, we brought in a superintendent so I could help him get
16 established and I would work solely in the industrial pretreatment program and
17 continue it until I retire.

18 Q. IS THE CITY OF CONROE'S WASTEWATER TREATMENT PLANT A
19 PUBLICLY OWNED TREATMENT WORKS?

20 A. Yes.

21 Q. WHAT IS A PUBLICLY OWNED TREATMENT WORKS?

1 A. A publicly owned treatment works is a wastewater treatment facility that treats all
2 the wastewater that is received from both industrial and residential communities
3 or developments in a city's sewage collections system.

4 Q. MR. SOLOMON, HOW LONG HAVE YOU WORKED AT THE WATER
5 TREATMENT FACILITY FOR THE CITY OF CONROE?

6 A. I have worked there for almost 19 years.

7 Q. HOW MANY TOTAL YEARS HAVE YOU WORKED IN A PUBLICLY
8 OWNED WATER TREATMENT FACILITY?

9 A. I have been in the water and wastewater business for 34 years.

10 **II. CITY OF CONROE WASTEWATER TREATMENT PLANT AND**
11 **PRETREATMENT PROGRAM**

12 Q. MR. SOLOMON, AS THE CURRENT ASSISTANT SUPERINTENDENT AND
13 FORMER SUPERINTENDENT AT THE CONROE WATER TREATMENT
14 FACILITY, ARE YOU FAMILIAR WITH THE TREATMENT OF CLASS 1
15 NONHAZARDOUS INDUSTRIAL WASTEWATER?

16 A. Yes, sir, I am.

17 Q. DOES THE CITY OF CONROE WASTEWATER TREATMENT FACILITY
18 RECEIVE A QUANTITY OF CLASS 1 NONHAZARDOUS INDUSTRIAL
19 WASTEWATER DAILY?

20 A. Yes, sir, we do. We have ten industrial generators located in the Conroe area that
21 are permitted by the City and are discharging to us at this time.

1 Q. IF YOU REMEMBER, AND IF YOU KNOW, WHAT HAS BEEN THE MOST
2 NUMBER OF INDUSTRIAL GENERATORS DISCHARGING TO THE
3 CONROE SYSTEM AT ANY ONE TIME?

4 A. At any one time, the most was eleven.

5 Q. PLEASE DESCRIBE THE PROCESS FOR AN INDUSTRIAL GENERATOR
6 TO BE PERMITTED TO DISCHARGE THEIR CLASS 1 NONHAZARDOUS
7 INDUSTRIAL WASTEWATER TO THE CITY OF CONROE WASTEWATER
8 TREATMENT PLANT.

9 A. First of all, when an industrial generator moves into the City and requests a
10 building permit and connection to the sewer system for nonresidential sewer
11 discharge, I will send them an information sheet which is called a "Wastewater
12 Data Disclosure Form" and let them fill it out so that we can determine what kind
13 of industry they are, what kind of flows they will possibly discharge to us, and if a
14 discharge permit would be appropriate. This is done for all nonresidential
15 dischargers, not just those that request to be part of the pretreatment program.

16 Q. I AM SHOWING YOU WHAT HAS BEEN MARKED AS ALIGNED
17 PROTESTANTS' REMAND EXHIBIT 6. COULD YOU PLEASE IDENTIFY
18 THIS DOCUMENT?

19 A. Yes, it is a true and correct copy of the "Wastewater Data Disclosure Form" I just
20 described.

21 **ALIGNED PROTESTANTS OFFER ALIGNED PROTESTANTS' REMAND**
22 **EXHIBIT NO. 6.**

1 Q. MR. SOLOMON, WHEN YOU PROCEED WITH PERMITTING AN
2 INDUSTRIAL GENERATOR OF WASTEWATER, DO YOU MAKE A
3 DETERMINATION OF THE TYPE OF WASTEWATER STREAM THAT
4 THEY ARE GOING TO PROSPECTIVELY SEND TO YOUR FACILITY?

5 A. Yes, sir. In the "Wastewater Data Disclosure Form," the industrial generator is
6 required to submit detailed information about what makes up the waste stream
7 along with any testing data information on the pollutants of concern that it may
8 have in its stream.

9 Q. MR. SOLOMON, IS THE PUBLICLY OWNED TREATMENT WORKS FOR
10 THE CITY OF CONROE REGULATED BY ANY OTHER GOVERNMENTAL
11 ENTITY?

12 A. Yes, sir. We are regulated by the Texas Commission on Environmental Quality,
13 which is better known as the TCEQ.

14 Q. IS THE CITY OF CONROE WASTEWATER TREATMENT PLANT
15 PERMITTED TO RECEIVE CLASS 1 NONHAZARDOUS INDUSTRIAL
16 WASTEWATER?

17 A. The City of Conroe Wastewater Treatment Plant has a permit issued by TCEQ to
18 allow it to receive pretreated Class 1 nonhazardous industrial wastewater.

19 Q. ARE YOU SUBJECT TO ANY OTHER REGULATIONS SUCH AS FEDERAL
20 REGULATIONS?

21 A. Yes, sir. We are under the EPA rules set out in the 40 CFRs.

22 Q. AND THAT IS THE CODE OF FEDERAL REGULATIONS?

23 A. Code of Federal Regulations.

1 Q. DOES THE CITY OF CONROE HAVE AN ORDINANCE THAT
2 PROVIDES FOR THE APPLICATION OF YOUR PRETREATMENT
3 PROGRAM?

4 A. Yes, sir. We have the ordinance that is Chapter 70, Article IV, Discharge of
5 Industrial Waste.

6 Q. IS THE EXISTENCE OF THAT ORDINANCE REQUIRED?

7 A. Yes, sir, it is. Our industrial wastewater permit from the TCEQ required us to
8 adopt that ordinance.

9 Q. I AM SHOWING YOU WHAT HAS BEEN MARKED AS ALIGNED
10 PROTESTANTS' REMAND EXHIBIT 7. COULD YOU PLEASE IDENTIFY
11 THIS DOCUMENT?

12 A. Yes, it is a true and correct copy of the "Permit to Discharge Wastes under
13 provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas
14 Water Code" which was a renewal permit issued by TCEQ to the City of Conroe
15 on August 28, 2009.

16 **ALIGNED PROTESTANTS OFFER ALIGNED PROTESTANTS' REMAND**
17 **EXHIBIT NO. 7.**

18 Q. I AM SHOWING YOU WHAT HAS BEEN MARKED AS ALIGNED
19 PROTESTANTS' REMAND EXHIBIT 8. CAN YOU IDENTIFY THIS
20 DOCUMENT, PLEASE?

21 A. Yes. That is the City of Conroe's Ordinance Chapter 70, Article IV concerning
22 Discharge of Industrial Wastes.

1 **ALIGNED PROTESTANTS OFFER ALIGNED PROTESTANTS' REMAND**

2 **EXHIBIT NO. 8.**

3 Q. PLEASE DESCRIBE WHAT YOU MEAN BY "PRETREATMENT."

4 A. Pretreatment is the process used by an industrial generator to bring their industrial
5 wastewater to acceptable levels that can be discharged to the plant and which can
6 be further treated at the plant.

7 Q. SO IF I UNDERSTAND YOU CORRECTLY, DOES THAT MEAN THAT THE
8 INDUSTRIAL WASTEWATER GENERATOR DOES SOMETHING, TREATS
9 HIS WASTEWATER STREAM TO SOME EXTENT TO MAKE IT
10 ACCEPTABLE FOR YOUR PLANT TO RECEIVE?

11 A. Yes, sir. There are various ways that they can do this, some chemical and some
12 biological.

13 Q. DO YOU HAVE ANY KIND OF INSPECTION PROCESS OR PROCEDURE
14 ONCE A WASTEWATER GENERATOR HAS BEEN PERMITTED TO SEND
15 YOU A WASTE STREAM?

16 A. Yes, sir. We are required by our TCEQ permit to inspect facilities for each
17 industrial wastewater generator that discharges to the City's facility at least once a
18 year; we do a full inspection of their entire facility, including their pretreatment
19 facility, and we do required testing of the wastewater stream being generated. For
20 certain generators, those designated "categorical generators" according to the
21 criteria of Title 40 of the Code of Federal Regulations, we test those facilities
22 twice a year.

23 Q. WHAT IS THE PURPOSE OF THAT TESTING?

1 A. We are ensuring that the industrial wastewater generator is meeting the local
2 limits that apply to the wastewater discharge stream going to the City's facility
3 and monitoring what kind of pollutant levels they do have.

4 Q. WOULD IT BE FAIR TO SAY THAT YOU INSPECT AND ENSURE THAT
5 THE WASTEWATER STREAM THAT IS SENT TO THE CITY'S WATER
6 TREATMENT FACILITY IS AT AN APPROPRIATE LEVEL TO MAKE
7 SURE YOUR PROCESSES CAN EFFECTIVELY TREAT THE WASTE
8 STREAM?

9 A. Yes, sir. Just to ensure that it can be treated by the City's treatment system and
10 that we are protecting the stream that we are discharging to.

11 Q. WHERE DOES THE CONROE WASTEWATER TREATMENT PLANT
12 DISCHARGE ITS EFFLUENT, OR PROCESSED, STREAM?

13 A. We discharge into the San Jacinto River, at the West Fork San Jacinto River in
14 Segment No. 1004 of the San Jacinto River Basin.

15 Q. WHAT IS THE ULTIMATE DESTINATION OF THE SAN JACINTO RIVER?

16 A. It flows into Lake Houston, which is part of the water supply for the City of
17 Houston.

18 Q. IS IT IMPORTANT THAT THE EFFLUENT STREAM THAT THE CITY OF
19 CONROE'S WASTEWATER TREATMENT PLANT DISCHARGES INTO
20 THE SAN JACINTO RIVER BE PROPERLY MONITORED AND BE AN
21 APPROPRIATE EFFLUENT STREAM?

22 A. Yes, sir. We are required by our TCEQ permit to do daily discharge
23 concentration testing, weekly concentration averaging, and additional testing

1 every three months including chemical-specific analyses of identified and
2 suspected pollutants of concern to ensure local limits are not exceeded.

3 Q. HOW MANY YEARS DID YOU SAY THAT YOU HAVE WORKED AT THE
4 CONROE FACILITY?

5 A. 19 years -- almost 19 years.

6 Q. IN YOUR ALMOST 19 YEARS AT THE CONROE FACILITY, HAVE YOU
7 HAD AN IMPROPER OR PROBLEMATIC DISCHARGE INTO THE SAN
8 JACINTO RIVER?

9 A. No, sir.

10 Q. ARE YOU AWARE OF ANY INDUSTRIAL COMPANIES OR INDUSTRIAL
11 SITES IN MONTGOMERY COUNTY THAT HAVE THEIR OWN IN-HOUSE
12 WATER TREATMENT FACILITY, SUCH THAT THEY ARE ALSO
13 ALLOWED TO DISCHARGE INTO A SURFACE WATER BODY?

14 A. Yes, sir. I am aware of three or four in the Conroe area.

15 Q. WOULD IT BE ACCURATE OR FAIR TO SAY THAT THESE THREE OR
16 FOUR ENTITIES HAVE A MINI-SEWER PLANT ON THEIR OWN
17 PROPERTY?

18 A. Yes, sir.

19 Q. DO YOU HAVE AN OPINION AS TO WHETHER TAKING AN
20 INDUSTRIAL WASTEWATER STREAM, OR CLASS 1 NONHAZARDOUS
21 INDUSTRIAL WASTEWATER, AND PROCESSING IT THROUGH A
22 WASTEWATER TREATMENT FACILITY, IS AN APPROPRIATE AND/OR

1 SAFE METHOD OF TAKING CARE OF AN INDUSTRIAL WASTEWATER
2 STREAM?

3 A. Yes, sir. In my opinion, that is the best way.

4 Q. WHY DO YOU BELIEVE THAT?

5 A. Because it is an environmentally safe disposal method and, if you are testing and
6 treating the water to reuse it, it adds to the available water supply. Products
7 recovered from the treatment process can also be used for other valuable
8 purposes, such as fertilizer.

9 Q. IN YOUR EXPERIENCE, HAVE THE INDUSTRIAL GENERATORS THAT
10 PARTICIPATE IN THE CITY'S PRETREATMENT PROGRAM AND
11 DISCHARGE THEIR CLASS 1 NONHAZARDOUS INDUSTRIAL
12 WASTEWATER TO THE CITY OF CONROE'S WASTEWATER
13 TREATMENT PLANT INDICATED A FAVORABLE VIEW OF THE CITY'S
14 TREATMENT PROCESS?

15 A. Each and every one of them have indicated they are extremely pleased and are
16 well satisfied that they are permitted to discharge to us.

17 Q. ARE YOU AWARE OF WHETHER OR NOT THE PRESENCE OF THE
18 CONROE TREATMENT FACILITY HAS ANY BEARING ON INDUSTRIAL
19 WASTEWATER GENERATORS COMING TO THE CONROE AREA?

20 A. One of the strong selling points for anyone looking at this area is the size of
21 the wastewater plant that we do have and the pretreatment program that we have
22 available to them.

1 Q. WHY ARE YOU ABLE TO SAY THAT CONROE'S WATER TREATMENT
2 FACILITY IS AN ATTRACTIVE FEATURE FOR INDUSTRY TO MOVE TO
3 THE CONROE AREA?

4 A. Because, so far we have been able to take all volumes of wastewater that have
5 been discharged to us, and it is an environmentally attractive method of disposal.

6 Q. WHAT IS THE AVERAGE CURRENT VOLUME OF WASTEWATER THAT
7 YOU TREAT DAILY AT THE CONROE FACILITY?

8 A. Approximately 6.8 million gallons per day.

9 Q. WHAT IS THE PERMITTED CAPACITY FOR THE CONROE
10 WASTEWATER FACILITY?

11 A. At this time, it is 10 million gallons per day average.

12 Q. DO YOU HAVE ANY KNOWLEDGE, MR. SOLOMON, OF WHETHER OR
13 NOT CONROE CITY GOVERNMENT IS ENGAGED IN ANY STUDIES OR
14 UNDERTAKINGS TO EITHER EXPAND OR BUILD ANY OTHER
15 WASTEWATER TREATMENT FACILITY?

16 A. Yes, sir. We are doing an engineering study and have done engineering studies
17 on future needs of the Conroe wastewater treatment plant and options for either
18 expansion of the existing plant or building another plant at another location in
19 Conroe to fulfill the needs of the City.

20 Q. DO YOU HAVE ANY IDEA OF THE PROSPECTIVE FUTURE CAPACITY
21 THAT MIGHT BE AVAILABLE ONCE ANY NEW PLANT IS BUILT?

1 A. The City is currently looking at either increasing capacity to 15 million gallons
2 per day at the present plant or building another plant the same size, which is a 10-
3 million-gallon-per-day plant, at another location.

4 Q. REGARDLESS OF THE PROSPECTIVE CONSTRUCTION OF A NEW
5 FACILITY OR EXPANSION OF YOUR CURRENT FACILITY, IS YOUR
6 CURRENT CAPACITY AT THE CONROE PLANT SUFFICIENT FOR THE
7 FORESEEABLE FUTURE?

8 A. Yes, sir, it is.

9 Q. NOW, WHEN I SAY THAT YOU ARE PERMITTED FOR 10 MILLION
10 GALLONS A DAY BUT YOU ARE CURRENTLY OPERATING AT ABOUT
11 6.8 MILLION GALLONS PER DAY, ARE YOU IN A POSITION WITH THAT
12 AMOUNT OF AVAILABLE CAPACITY UNDER YOUR PERMITTED LIMIT
13 TO TAKE CARE OF, PERHAPS, ANY NUMBER OF NEW INDUSTRIAL
14 CLIENTS?

15 A. Yes, sir. At 68 percent of total capacity, we have plenty of available capacity to
16 accept new clients. But, when our operating capacity reaches 75 percent of total
17 capacity, we are required to do engineering studies, to maximize our capacity or
18 expand. We have already begun those engineering studies, even though we do
19 not have to until we start operating at 75 percent of capacity. We do have a slow
20 increase in capacity, but it is not a steady or definite rate of growth right now that
21 would cause the operating capacity to exceed 75 percent in the near future.

22 Q. SO IF NEW INDUSTRIAL CLIENTS WERE TO KNOCK ON YOUR DOOR
23 AND SAY, "WE NEED TO SEND A CLASS 1 NONHAZARDOUS

1 WASTEWATER STREAM TO YOU," YOU ARE WILLING AND ABLE TO
2 ACCEPT THEM?

3 A. Yes, sir. We have available capacity and would look at them and see what they
4 have to discharge and make a determination as to the appropriateness of taking
5 that discharge.

6 Q. WHAT IS THE PROCESS FOR RECEIPT OF A WASTEWATER STREAM
7 AT THE CITY OF CONROE WASTEWATER TREATMENT PLANT?

8 A. Our facility is an activated sludge facility. In the first step of the process, the raw
9 wastewater comes into the plant and goes through the influent pipes and
10 liftstations in the collection system, into the bar screens that remove the big
11 inorganic particles that may come with it. In the second step, the stream flows
12 into an aerated grit chamber, where air is introduced -- to drop out the solids,
13 inorganic solids. In the third step, the stream goes into the aeration basin, where it
14 receives bacteria that start breaking down the organic particles that are in the
15 wastewater itself. As the stream flows through the basin there is a detention time
16 of a minimum of eight hours. In the fourth step, the flow goes into a settling tank,
17 which is called a clarifier; there is no air in this clarifier so the solids drop out. In
18 the fifth step, the solids (or sludge) are returned either to the aeration basin to be
19 mixed with new wastewater flow and re-treated, or sent to a tank basin called a
20 first-stage digester, then a second-stage digester, and later to a press where the
21 sludge is de-watered and later taken out to the landfill. In the sixth step of the
22 process, the remainder of the water flow, from which the sludge was removed, is
23 sent to a chlorination system where chlorine gas is injected into the water flow to

1 kill any bacteria that may be left in the treated water. In the seventh step, sulfur
2 dioxide is injected into the treated water flow to take out the chlorine before it is
3 finally discharged out into the river.

4 Q. LET ME ASK YOU ABOUT ANY SOLID MATERIAL THAT MAY BE
5 COLLECTED DURING THE TREATMENT PROCESS. WHAT IS THE
6 POPULAR TERM FOR THAT?

7 A. The popular term for that is sludge.

8 Q. WHAT IS THAT?

9 A. That sludge is solids that are separated from the wastewater during the treatment
10 process—separated in the clarifier, as I explained earlier for the fourth step of the
11 treatment process at our plant. We have a two-stage digester in which the first
12 stage generates and breaks down more of the solids and processes them more;
13 then, the sludge goes into a second stage digester where it is further processed
14 before being pulled into a belt press which dewateres the sludge by injecting
15 polymers to coagulate the solids and so it can be dewatered before it is taken to
16 the landfill.

17 Q. WHEN YOU SAY "TAKEN TO THE LANDFILL," THAT BASICALLY
18 MEANS YOU ARE HAULING OFF THE SOLID MATERIAL?

19 A. Yes, sir, the inorganic material.

20 Q. IS THERE POTENTIALLY ANOTHER METHOD OF DISPOSAL OF THE
21 SOLID MATERIAL?

1 A. Yes, sir. Several entities do land application of the solid material, which actually
2 is using it as fertilizer, primarily in hay fields and any kind of wheat fields or
3 such.

4 Q. WHEN YOU SAY "FERTILIZING," ARE WE TALKING ABOUT SOME
5 KIND OF A BROADCAST METHOD OF SPREADING THE SOLID
6 MATERIAL FOR PURPOSES OF FERTILIZING PLANTS?

7 A. Yes, sir. What they do is they will spread it on top of the ground and then disk it
8 underneath the ground by the end of the day.

9 Q. ARE YOU FAMILIAR WITH THE EFFECTIVENESS OF THAT KIND OF
10 FERTILIZER?

11 A. Yes, sir. That is some of the best fertilizer in the world. It has very high nutrient
12 levels.

13 Q. LET ME DIRECT YOUR ATTENTION BACK TO A PRETREATMENT
14 PROCESS THAT MIGHT BE EMPLOYED BY A WASTEWATER
15 GENERATOR, IN OTHER WORDS, ONE OF YOUR CLIENTS. ARE YOU
16 FAMILIAR WITH VARIOUS METHODS OF PRETREATMENT?

17 A. Yes, sir. I have had to learn about various pretreatment methods so that when I go
18 out to inspect any industrial wastewater generator, then I can understand what
19 they do at their facility.

20 Q. MR. SOLOMON, WITH RESPECT TO ANY PRETREATMENT PROCESSES
21 THAT MAY BE UTILIZED BY SOME OF YOUR INDUSTRIAL CLIENTS,
22 HAVE YOU HAD AN OPPORTUNITY TO INSPECT A VARIETY OF
23 THEM?

1 A. Yes, sir. I annually inspect each and every wastewater generating industrial
2 facility that we permit for discharge into the City's treatment facility.

3 Q. HOW MANY DIFFERENT TYPES OF PRETREATMENT PROCESSES DO
4 YOU FEEL LIKE YOU HAVE INSPECTED?

5 A. Various ones, I would say, at least six or seven different types.

6 Q. AS FAR AS YOU KNOW FROM YOUR INSPECTIONS AND FROM
7 TALKING WITH INDUSTRIAL WASTEWATER GENERATORS, AND
8 HAVING TO DETERMINE THE UTILITY AND PROPER WORKING OF
9 THESE PROCESSES, IS IT DIFFICULT FOR AN INDUSTRIAL
10 WASTEWATER GENERATOR TO OBTAIN SUCH A PROCESS TO
11 UTILIZE?

12 A. No, sir. There are several businesses that are experts in the pretreatment field
13 where each of the industries can go and obtain an appropriate pretreatment
14 process to use for their waste stream.

15 Q. WOULD IT BE FAIR TO SAY THAT A PRETREATMENT PROCESS
16 WOULD OFTEN BE A PART AND PARCEL COMPONENT OF AN
17 INDUSTRIAL PROCESS THAT PRODUCES A WASTE STREAM?

18 A. For about 99 percent of them, it is part of their process.

19 Q. IS A PRETREATMENT PROCESS FOR AN INDUSTRIAL USER A
20 STANDARD PART OF THEIR PROCESS?

21 A. Yes, sir.

22 Q. MR. SOLOMON, HOW LONG HAS THE CITY OF CONROE'S WATER
23 TREATMENT FACILITY HAD A PRETREATMENT PROGRAM?

1 A. Since about March of 1984.

2 Q. WHEN AN INDUSTRIAL CLIENT DISCHARGES ITS WASTE STREAM
3 INTO THE CITY COLLECTION SYSTEM, DO THEY OFTEN HAVE A
4 SEWER CONNECTION AT THEIR FACILITY WHERE THEY ARE
5 GENERATING THE WASTEWATER?

6 A. Yes, sir. That is normally how they discharge into the City's treatment facility.

7 Q. IS IT POSSIBLE FOR AN INDUSTRIAL CLIENT TO UTILIZE THE
8 CONROE WASTEWATER TREATMENT SYSTEM EVEN IF THEY DO NOT
9 HAVE A SEWER CONNECTION AT THEIR FACILITY?

10 A. From their facility, no. We do not accept hauled waste. They have to establish
11 and request approval of a discharge point somewhere along the City's collection
12 system in order to have wastewater treated at the City's plant.

13 Q. IF A CLIENT DOES NOT HAVE A SEWER CONNECTION AT THEIR
14 FACILITY, THEN DO THEY HAVE TO GET THEIR WASTEWATER
15 STREAM TO A SEWER CONNECTION?

16 A. Yes.

17 Q. MR. SOLOMON, IF A WASTEWATER GENERATOR IS NOT HOOKED UP
18 TO THE CONROE SEWER SYSTEM AT THEIR GENERATING FACILITY,
19 IS THERE A METHOD FOR THAT GENERATOR TO USE THE CONROE
20 TREATMENT FACILITY?

21 A. Yes, sir. Technically they can go and either purchase or lease a facility that has a
22 discharge point to the City and haul it there and do some preliminary pretreatment
23 at that facility where they discharge it into the City's collection system.

1 Q. HAVE YOU EVER HAD INDUSTRIAL CLIENTS THAT FOLLOWED THAT
2 PROCESS?

3 A. Yes, sir. We had one industrial client in approximately the year 2000.

4 Q. WHAT ARE THE FEES CHARGED TO AN INDUSTRIAL WASTEWATER
5 GENERATOR THAT IS A CLIENT OF THE CITY'S TREATMENT
6 FACILITY?

7 A. The initial fee is the permit fee of \$1,000 for a five-year permit; out of that, \$300
8 is for processing the permit, \$700 goes toward annual inspections that will be
9 done over the five-year permit period.

10 Then, we do a baseline monitoring report and the testing for all the
11 pollutants of concern that the State and EPA have listed in the 40 CFR 136 rules.
12 We do that test, and normally charge about \$2,500.

13 Also, we are required to do our local limit testing for other pollutants of
14 concern that we have identified locally. We do that testing, and it is normally one
15 or two tests per year, and charge the industrial generator between \$500 and a
16 maximum of \$1,000 per year.

17 Q. ARE THERE SURCHARGES?

18 A. Yes. For industrial generators inside the City limits of Conroe, we have
19 surcharges of 27 cents per pound for treating BODs, which are "biological oxygen
20 demands," and 13 cents per pound for treating TSSs, which are "total suspended
21 solids." The surcharges for industrial generators outside the City limits of Conroe
22 are double those located inside the City limits, although the only generator
23 currently connected to our system from outside Conroe is located in the City of

1 Willis; we have an agreement with Willis to perform the wastewater treatment on
2 their behalf and I believe they pass on their costs to industrial generators in their
3 City limits.

4 The surcharges are calculated per 1,000 gallons discharged to us. The
5 normal collection limits for sewer and residential discharges are 210 milligrams
6 per liter for BODs and 250 milligrams per liter for TSS. If the industrial
7 pretreatment client discharges over those limits, they are charged amounts
8 calculating the milligrams per liter multiplied by a factor of 8.34, which turns it
9 into pounds multiplied by the million gallons per day that they discharge out.
10 Additionally, if they discharge in excess of their permitted volume, they are
11 charged a surcharge per 1,000 gallons. These calculations are provided in the
12 Ordinance.

13 Q. LET ME ASK YOU IF, OVER YOUR 19 YEARS OF EXPERIENCE, YOU
14 HAVE HAD THE EXPERIENCE OF BEING ABLE TO WORK WITH EVERY
15 INDUSTRIAL CLIENT THAT HAS APPROACHED THE CITY DURING
16 THAT 19 YEARS?

17 A. I believe that is true. We work with every client. We have not had anyone that
18 we rejected their request for wastewater treatment.

19 Q. ARE YOU FAMILIAR WITH AN INDUSTRIAL ENTITY THAT WAS
20 PREVIOUSLY HERE IN MONTGOMERY COUNTY BY THE NAME OF
21 DAL-TILE?

22 A. Oh, yes, sir. They were a permitted industry in the north end of Conroe that just
23 moved their facility from Conroe about two years ago.

1 Q. SO THEY ARE NO LONGER HERE?

2 A. They are no longer here.

3 Q. WHILE THEY WERE HERE, WERE THEY ONE OF YOUR CLIENTS?

4 A. Yes, sir. They were a permitted industry discharging into our system.

5 Q. Thank you, Mr. Solomon.